

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

BETTIE S. KRUPA)	
Claimant)	
VS.)	
)	Docket No. 216,964
MAUDE B. WOODWORTH)	
Respondent)	
AND)	
)	
HARTFORD ACCIDENT & INDEMNITY COMPANY)	
Insurance Carrier)	

ORDER

Claimant appealed the preliminary hearing Order Denying Compensation entered by Administrative Law Judge Bryce D. Benedict on April 9, 1997.

ISSUES

The claimant's Application for Review contained the following issue:

- "1. Whether claimant is entitled to referral for psychiatric treatment of depression and anxiety."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the briefs of the parties, the Appeals Board finds as follows:

Before examining the merits of this case, the Appeals Board will first address the issue of whether it has jurisdiction to review this preliminary hearing Order. Claimant's only preliminary benefit request was for psychiatric or psychological treatment for claimant's alleged depression and anxiety. After hearing the claimant testify and reviewing medical

records introduced at the preliminary hearing, the Administrative Law Judge denied claimant's request.

The Appeals Board finds that none of the issues listed in K.S.A. 1996 Supp. 44-534a that grant the Appeals Board jurisdiction to review a preliminary hearing order were raised by the claimant. The only issue decided by the Administrative Law Judge pertained to whether claimant was in need of psychiatric or psychological treatment directly traceable to claimant's work-related physical injury. The Appeals Board has on other occasions visited this particular issue and has consistently found that claimant's entitlement to psychiatric or psychological treatment is an issue more related to the nature and extent of disability rather than whether claimant suffered injury arising out of and in the course of her employment. See Love v. AIFAM Enterprises, Inc., Docket No. 190,944 (September 1996) and Schultz v. Danisco Ingredients USA, Inc., Docket No. 216,673 (February 1997). Therefore, the Appeals Board finds it lacks jurisdiction to review this preliminary hearing Order.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the claimant in this matter, should be, and is hereby, dismissed and the preliminary hearing Order Denying Compensation of Administrative Law Judge Bryce D. Benedict dated April 9, 1997, remains in full force and affect.

IT IS SO ORDERED.

Dated this ____ day of June 1997.

BOARD MEMBER

c: George H. Pearson, Topeka, KS
Billy E. Newman, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director